

Digital Commons
@ LMU and LLS

Loyola Marymount University and Loyola Law School
**Digital Commons at Loyola Marymount
University and Loyola Law School**

Theological Studies Faculty Works

Theological Studies

2009

Tillich and King on Love and Justice and the Significance for Models of Restorative Justice

Jonathan Rothchild

Loyola Marymount University, Jonathan.Rothchild@lmu.edu

Follow this and additional works at: https://digitalcommons.lmu.edu/theo_fac



Part of the [Religion Commons](#)

Recommended Citation

"Tillich and King on Love and Justice and the Significance for Models of Restorative Justice," *Bulletin of the North American Paul Tillich Society* 35:2 (2009): 9-15.

This Article is brought to you for free and open access by the Theological Studies at Digital Commons @ Loyola Marymount University and Loyola Law School. It has been accepted for inclusion in Theological Studies Faculty Works by an authorized administrator of Digital Commons@Loyola Marymount University and Loyola Law School. For more information, please contact digitalcommons@lmu.edu.

osophy of Immanuel Kant, vols. I and II (Glasgow: James Maclehose & Sons, 1889).

¹⁶ Caird, *The Critical Philosophy of Immanuel Kant*, 644.

¹⁷ Palmquist, *Kant's System of Perspectives*, 58.

¹⁸ For Palmquist (*Kant's Critical Religion*, 313), "[Kant] not only *believed* in the reality of a transcendent God represented by our theoretical idea, manifested in our practical reason (speaking to our conscience), and communing with us in prayer, but also actively *experienced* this reality in his daily life." On the distinction between the overarching (thus, capitalized) Transcendental Perspective that governs all three *Critiques* and the specific (thus, uncapitalized) transcendental perspective operative within each *Critique*, see Palmquist's *Kant's System of Perspectives* (Lanham, MD: University of America Press, 1993), II.4.

¹⁹ Stephen R. Palmquist, "Kant's Critique of Mysticism: (2) The Critical Mysticism," *Philosophy and Theology*, vol. 4, 11, 83. Emphases mine.

TILlich AND KING ON LOVE AND JUSTICE AND THE SIGNIFICANCE FOR MODELS OF RESTORATIVE JUSTICE

JONATHAN ROTHCHILD

In his 1964 Nobel Prize acceptance speech, Martin Luther King, Jr. affirms the future of humanity despite the unceasing threats of violence and despair. In defending human dignity and the prospects for peace and justice, King advocates for the development of "a method which rejects revenge, aggression, and retaliation. The foundation of such a method is love."¹ In and through his sustained call for love and its import for justice despite the estrangement of the human condition, King appropriates the theological content and method of Paul Tillich. This paper seeks to engage King and Tillich in a critical conversation regarding the relationship between love and justice, particularly as this relationship pertains to transformation and restorative justice. The purpose of the paper is to argue that the construals of love and justice in King and Tillich disabuse reductive understandings of justice and reconceptualize justice as restorative, not retributive, in its presuppositions and implementations.

A *brief* analysis of the system and the rationales for four theories of punishment will shed light on the

²⁰ Tillich, *Systematic Theology*, vol.1, 81.

²¹ Otto remarks in a footnote, "constructing a 'humanity' prior to and apart from the most central and potent of human capacities is like nothing so much as the attempt to frame a standard idea of the human body after having previously cut off the head." Rudolf Otto, *The Idea of the Holy* (London: Oxford University Press, 1931), 37, f2.

²² Tillich, *Systematic Theology*, vol.1, 81. For Tillich, philosophy may sometimes function as though technical reason and ontological reason are not divided, but they are so divisible and theology itself must reject the confusion of this division. Tillich, *Systematic Theology*, vol.1, 82.

²³ As Kant puts it in fragment form in the *Opus Postumum*, "Three principles: God, the world, and the concept of the subject which unites them and brings synthetic unity into these concepts (*a priori*) insofar as reason makes this transcendental unity itself" (21:23).

significance of restorative justice and the contributions of Tillich and King. The United States dominates truly as the penitentiary "superpower" with its approximately 2.3 million imprisoned, a number that eclipses China by half a million prisoners and that is tantamount to nearly a quarter of all the prisoners in the world.² The annual budget for constructing and maintaining prisons has increased in the last two decades to over forty billion dollars.³ The massive rise of incarceration, what Marc Mauer has called the race to incarcerate,⁴ has implicated significant portions of minorities—particularly in disadvantaged urban centers. Whereas about 0.7% of white men are imprisoned, an estimated 4.8% of African-American men and 1.9% of Latino men were in prison or jail.⁵ More than 11% of black males age 25 to 34 are incarcerated.⁶ Moreover, the overall number of women imprisoned is growing exponentially: between mid-year 2005 and 2006, the female prison population increased by 4.8% to reach 111,403.⁷

Description of these figures invites critical interrogation of the underlying reasons behind the drive to punish. Among multifarious questions, King's aforementioned question is paramount: Can one punish without revenge and vengeance? In *The Human Condition*, Hannah Arendt sheds insight into the question by construing vengeance as that which "acts in the form of reacting against an original trespassing, whereby far from putting an end to the con-

sequences of the first misdeed, everybody remains bound to the process, permitting the chain reaction contained in every action to take its unhindered course...[vengeance] encloses both doer and sufferer in the relentless automatism of the action process, which by itself need never come to an end.”⁸ I argue that each of the four dominant rationales for punishment—deterrence, retribution, incapacitation, and rehabilitation—fail to transform the endless impasse of “relentless automatism;” models of restorative justice, by contrast, break through the vicious cycle.

Deterrence is informed by teleological pursuits, that is, attention to the consequences and to an emphasis on goods. Supporters hold that deterrence works because the good of not being incarcerated outweighs any good that could be achieved in and through criminal activity. In *An Introduction to The Principles of Morals and Legislation*,⁹ Jeremy Bentham construes deterrence as a mechanism for adjudicating utility or the balance of goods/pleasures over harms/pains, which, in turn, helps to establish social order in terms of good consequences, notably the greatest good for the greatest number. However, in addition to studies that problematize claims about the success of deterrence, utilitarianism’s privileging the good potentially ratifies transgressing individual dignity. Moreover, as G.W.F. Hegel observes about deterrence, “To justify punishment in this way is like raising one’s stick at a dog; it means treating a human being like a dog instead of respecting his honor and freedom.”¹⁰

If deterrence theories are “forward-looking,” retributive theories are “backward looking” in that they focus on punishing past crime. Affirming that punishment is deserved and is therefore just, as long as it is proportionate to the offense committed, retribution focuses on deontological restraints, or considerations of the rules, boundaries, and harms. In *The Metaphysical Elements of Justice*, Immanuel Kant writes: “The penal law is a categorical imperative, and woe betide anyone who winds his way through the labyrinth of the theory of happiness in search of some possible advantage to be gained by releasing the criminal from his punishment or from any part of it.”¹¹ However, retribution alone cannot account for individual differences within sentencing; obviates the challenges of achieving uniform punishment; and, similar to deterrence, neglects the post-conviction goals of restoring relationships (not just repaying a debt). Kant’s pursuit of a formal justice lapses into a protracted legalism that fails to appreciate the vicissitudes of the human condition.

Another rationale for punishment is incapacitation, which removes persons guilty of violent crimes from society and thereby ensures the safety of the wider public. Sentencing policies such as the 1984 Federal Sentencing Act and the 1987 implementation of the Federal Sentencing Guidelines have effectuated a paradigm shift to mandatory sentencing and determinate sentencing. The rationale of public safety for incapacitation becomes attenuated when it is recognized that it warehouses prisoners, many of whom are non-violent, repeat drug addicts whose lifetime prison sentences can be equivalent to death sentences. Mark Lewis Taylor extends the critique further and argues that such measures amount to a theatrics of terror, or modes of control carried out by “Gulag America”¹² or a *Pax Americana* whereby peace is coerced and the “citizenry comes under the control of state-sanctioned prisons.”¹³ He abrogates incarceration for its deleterious effects: “[T]he terror is greater than the error. The bitter gall and resentment circulate and maim within, especially for those whose nonviolent crimes are being met with forced spirit death.”¹⁴

The rise of incapacitation precipitated the decline, if not the disappearance of rehabilitation as a viable strategy for criminal justice. While there are historically theological roots of rehabilitation (e.g., the Quakers’ influence on the earliest penitentiaries in the United States), nevertheless some thinkers hold that the system that funded rehabilitation, notably the practice of indeterminate sentencing, became too subjective and resulted in miscarriages of justice. Others argue that rehabilitation could be coercive and a mechanism of social control. Michel Foucault’s *Discipline and Punish: The Birth of Prison* construes rehabilitation as part of the machinery that disciplines and creates docile bodies. Foucault argues that the repetitive character of disciplinary punishment brings about a corrective effect that “involved only incidentally expiation and repentance”¹⁵ and that inevitably “hierarchizes, homogenizes, excludes. In short, it *normalizes*.”¹⁶

Restorative justice¹⁷ provides a more holistic model of criminal justice because it promotes the dignity and relationality of all persons; it perceives conflict as destructive of relationships; it commits to a process in which victims and other stakeholders can contribute to the criminal justice deliberations; it contemplates punitive alternatives to incarceration; and it upholds dialogue as the means for healing and restoration. Redressing deterrence theories’ lack of respect for human freedom, retributive theories’

failure to appreciate the victim and the wider community, incapacitation theories' emphasis on separation, and rehabilitation theories' exclusive focus on individual, not communal, transformation, restorative justice theories conceptualize justice and punishment in communal and relational terms. In developing their ideas about the relationship between love and justice, Tillich and King support the procedures and values of restorative justice.

Both Tillich and King envisage the relationship between love and justice as the grounds for engaging and transforming conflict and inequality. Conceptualizing love as reunion of the separated and justice as laws and principles of a universal character, Tillich argues that justice and love require one another, where "it is love which creates participation in the concrete situation."¹⁸ Participation in the concrete situation resonates with restorative justice's claim about dialogue in and through conferencing between offenders, victims, family members, and members of the community. Tillich insists that such participation "preserves the individual"¹⁹ because it works through the center, "which is not calculable,"²⁰ or not reducible to precise, punitive formulas of justice. Such reductions deny justice because "one cannot transform a living being into a complete mechanism"²¹ and "[j]ustice is always violated if men are dealt with as if they were things."²² Tillich censures "the bourgeois principle" (*The Socialist Decision*) and "technical reason" (*Systematic Theology*) as reductive and instrumentalizing forces which, according to Langdon Gilkey, constitute "the main, if not the unqualified, antagonist[s] of most of Tillich's thought."²³ Resisting these forces requires the courage to be that denies hegemony to social control and controlling knowledge so that "knowledge is more than a fulfillment; it also transforms and heals."²⁴

In reflecting on God's "creative justice" and denominating it as the form of "reuniting love,"²⁵ Tillich provides further grounds for restorative justice by challenging retributive notions that justice must accord with strict proportionality. Rather, God "can creatively change the proportion, and does it in order to fulfill those who according to proportional justice would be excluded from fulfillment."²⁶ Creative justice, rooted in claims about divine love and mercy, entails speaking to and listening to the other, despite hostility and separation, and underlies morality as the constitution of person as person in the encounter with another person. Creative justice confronts estrangement and therefore creates the intersubjective conditions for the possibility of transforming indi-

viduals and restoring relations. Tillich identifies the three functions of creative justice as listening, giving, and forgiving.²⁷ In contrast to the privileging of social utility (e.g., plea-bargaining) or rigid strictures (e.g., three strikes' laws), restorative justice theories invite listening (or authentic dialogue), giving (or awareness of and consent to mutual demands placed on the self by another), and forgiveness (or, analogous to the covenant²⁸, actions that do not replace justice but rather restore just relations). Forgiving love extends the requirements of justice for the purposes of restoration. The ultimate criterion of creative justice is universal fulfillment symbolized as the kingdom of God.²⁹

What about justice and power? Power dimensions, in Tillich's judgment, can partially justify Hegel's retributive claim that the criminal has a right to punishment;³⁰ hence, Tillich insists that the fulfillment of justice is a precondition for reuniting love.³¹ It could be plausibly argued that Tillich would join contemporary thinkers such as Donald Shriver who embrace restorative justice without completely eliminating retributive justice.³² Nevertheless, retributivists such as Kant are overly abstract³³ and fail to provide a robust account of justice; Tillich affirms that love as grace—the acceptance of the unacceptable—undergirds justice. Tillich argues that Anselm's theory of atonement, often identified as a retributivist theory of punishment³⁴, contradicts the ontological insight that "ultimately love must satisfy justice in order to be real love, and that justice must be elevated into unity with love."³⁵ Tillich's integrating love and justice—and its manifestation in restorative justice—does not violate Bonhoeffer's cheap grace because "there is grace in every reunion of being with being, insofar as it is reunion and not the misuse of the one by the other, insofar as justice is not violated."³⁶

King's appropriation of—and prophetic engagement with—basic themes in Tillich's thought is illustrated in King's consistent discussion finite freedom,³⁷ sin as separation,³⁸ powerless morality,³⁹ and ontological courage.⁴⁰ King similarly speaks of the power of love to engender transformation. In his Christmas Eve Sermon on Peace (December 24, 1967), King writes—amidst the demonic elements of segregation, discrimination, and violence—that love must undergird justice. Appropriating the austere demands of agapaic love mandated by *imitatio Christi*, King insists that actions of violence will be met with actions of love. Reversing in profound ways the logic of justice as reciprocity, King argues

that love—as suffering and the logic of superabundance that characterizes the gift—effectuates change of self and other and achieves justice. In addressing the violent, hooded perpetrators of the night, King anticipates a double transformation: “We will not only win freedom for ourselves; we will so appeal to your heart and conscience that we will win you in the process, and our victory will be a double victory.”⁴¹ Agapaic love, or “understanding, creative, redemptive good will for all men,”⁴² expresses a “willingness to go to any length to restore community.”⁴³ Nonviolent resistance, the refusal to be duplicitous in a system of revenge and violence, functions as a “means to awaken a sense of moral shame in the opponent. The end is redemption and reconciliation. The aftermath of nonviolence is the creation of the beloved community, while the aftermath of violence is tragic bitterness.”⁴⁴ Restorative justice confronts the “tragic bitterness” of violence and the concomitant retaliation carried out by intensely punitive measures and offers counter-models such as re-integrative shaming⁴⁵ for the purposes of reconciliation.

Similar to Tillich, King insists that mechanisms and social structures cannot eradicate human dignity and freedom: “But man is not a thing. He must be dealt with, not as an ‘animated tool,’ but as a person sacred in himself.”⁴⁶ The sacred dignity of all persons perforce requires that the whole concept of justice be re-conceptualized as the restoration of individual and communal wholeness. As restorative justice proponent Christopher Marshall notes, “If corrective justice is understood in essentially retributive terms, then acts of mercy and forgiveness will be seen as, at best, a foregoing of the legitimate claims of justice or, at worst, a distinct injustice. But if justice is understood in more relational and restorative terms—making things right and repairing relationships—then justice is actually consummated in forgiveness and reconciliation.”⁴⁷ Rethinking justice as forgiveness and reconciliation, according to King, acknowledges the interconnectedness of all persons, uplifts individual dignity of both the offender and the victim, and “exalts the personality of the *segregator* as well as the *segregated*.”⁴⁸

In addition to gainsaying the diminishment and subjugation of persons by systems, King and Tillich repudiate the broader social indifference to such treatment. This indifference presents the most daunting obstacle to restorative justice in particular and social justice in general. King’s famously indicts the white moderate, who is “more devoted to ‘order’

than to justice; who prefers a negative peace which is the absence of tension to a positive peace which is the presence of justice”⁴⁹ and whose “[l]ukewarm acceptance is much more bewildering than outright rejection”⁵⁰ because it exacerbates social responses to violence and abjures the need for community. Miroslov Volf similarly observes that indifference can be more deadly than hate, in part, because “the cold indifference can be sustained over time.”⁵¹ Reflecting on the Truth and Reconciliation efforts in South Africa, John de Gruchy notes that the majority of white South Africans—who benefited politically, economically, and socially from the system of apartheid—failed to support the restorative justice efforts of the Truth and Reconciliation Commission because they experienced indignity, innocence, and shame.⁵² This inability to grasp self-reflexively the dialectics between victims, offenders, and the community fails to restore justice. Tillich analyzes indifference in solipsistic terms, including pathological anxiety (whereby an individual clings to “the castle of self-defense”⁵³ or hides in the “security of a prison”⁵⁴) and the failure to adopt a prophetic attitude. In contrast to the cultivation of indifference, the refusal to accept guilt, the flawed understandings of justice, and the insulated perspective vis-à-vis the needs of the other, love facilitates restorative justice because “[i]t breaks the prison of any absolute moral law, even when vested with the authority of a sacred tradition”⁵⁵

For both Tillich and King, love functions as the mechanism that underpins, challenges, and ultimately transcends the struggle for justice. Love provides the ontological basis for harnessing power dynamics in constructive ways that promote just community. They therefore advocate for restorative justice on normative and not simply procedural grounds.⁵⁶ One principal difference between King and Tillich pertains to their views on violence and coercion. Though they both advocate for resistance to injustice and dehumanizing forces, King’s non-violent resistance differs from Tillich’s conception of the ineluctable character of coercion. However, these differences are not incompatible, but rather signal different means for restorative justice.

Tillich’s constructive triangulation of power, love, and justice in and through an ontological framework is well known, but his subtle analysis of the ineluctable tensions between them provides another significant contribution to restorative justice debates. Echoing the insight of Augustine that we must judge given human wretchedness,⁵⁷ Tillich rec-

ognizes the inevitable necessity of coercion: "We have to apply force; otherwise we would sacrifice that power in which love is embodied, we would sacrifice that justice which is in the principle of form of all social life."⁵⁸ This coercion is tragic because it transforms the person, the prisoner, into a thing incapable of exercising his or her freedom to act out of the totality of his or her being and thus incapable of forming a full community with other persons.⁵⁹ Yet, similar to restorative justice theorists who argue that "punishment should serve an instrumental value in criminal procedures, not an a priori one,"⁶⁰ Tillich does not accept this coercion, this violence and vengeance, as the definitive word in light of his claim about Christian ethics that "denies anybody the right to use these tools [of power] in such a way as to contravene the divine creation and the future potentialities of human history. Force serves power; but if it destroys power in serving it, it contradicts its own meaning."⁶¹ Hence, Tillich breaks with the dualism of Augustine's two cities and Luther's two kingdoms by arguing that coercive force is necessary, and yet the law of love is valid: "These are not two worlds, but one—the one in whose divine ground, power and love are united; in which power and love, in their coexistence, conflict in a thousand ways, yet whose hope is the reunion of power and love."⁶²

On anthropological grounds, King would concur with Tillich that the reality of sin precludes utopian progress or a fully Rauschenbuschian optimism about human nature.⁶³ Their concern for the deeply embedded character of sin and guilt helps to disabuse facile assumptions about restoration, thereby disquieting critics regarding restorative justice's overly sanguine assumptions.⁶⁴ Yet, King also refutes the ultimate necessity of violent coercion for challenging unjust social structures. Similar to Gustavo Gutierrez's solidarity and Karen Lebacqz's love of enemy as forgiveness and survival, King upholds self-reflexive awareness and non-violent, social action as the mechanism of subverting unjust power. Tillich's coercion and King's non-violent resistance can be aligned in and through a commitment to the prophetic witness that, in opposition to purely arithmetic or corrective theories of justice, constitutes, as Paul Ramsey puts it, a redemptive justice, which, similar to current models of restorative justice, affirms that "although an alien or forgotten [person], [one] comes to belong or still belongs to the community."⁶⁵

In conclusion, the prospects for restorative justice appear only in embryonic form in the United States. The lessons from Australia, New Zealand, South Africa, Japan, and post-conflict situations are powerful ones.⁶⁶ Similar to the construal of love and justice in King and Tillich, Miroslav Volf insists that prior to any moral judgment, a "will to embrace" "transcends the moral mapping of the social world into 'good' and 'evil'"⁶⁷ that never excludes the other,⁶⁸ promotes a peace "guided by the recognition that the economy of undeserved grace has primacy over the economy of moral desert,"⁶⁹ and creates a reconciled community "in which each recognizes and is recognized by all and in which all mutually give themselves to each other in love."⁷⁰ This will to embrace is tantamount to the portrait of agapaic love in King and Tillich. King and Tillich contend that justice is a necessary but not sufficient mode for criminal justice; it is only through the integration of love and justice that can forestall vengeance and heal and restore community.

¹ King, "Nobel Prize Acceptance Speech," in *A Testament of Hope: The Essential Writings of Martin Luther King, Jr.*, edited by James Melvin Washington (San Francisco: Harper and Row, 1986), 225.

² Patrick McCormick, "Just Punishment and America's Prison Experiment." *Theological Studies* 61:3 (2000): 509.

³ Ibid., 510.

⁴ Marc Mauer, *The Race to Incarcerate and Invisible Punishment: The Collateral Consequences of Mass Imprisonment*. New York: New Press, 1999.

⁵ U.S. Department of Justice, "Prison and Jail Inmates at Midyear 2006." *Bureau of Justice Statistics Bulletin*. Data compiled by William Sabol, Todd Minton, and Paige Harrison. Revised March 12, 2008. 1.

⁶ Ibid.

⁷ Ibid.

⁸ Arendt, *The Human Condition: A Study of the Central Dilemmas Facing Modern Man* (Garden City: Doubleday, 1959), 216, as cited in Miroslav Volf, *Exclusion and Embrace: A Theological Exploration of Identity, Otherness, and Reconciliation* (Nashville, Abingdon Press, 1996), 120-121.

⁹ Bentham, for example, writes: "The first object, it has been seen, is to prevent, in as far as it is worth while, all sorts of offences; therefore, The value of the punishment must not be less in any case than what is sufficient to outweigh that of the profit of the offence." Bentham, *An Introduction to the Principles of Morals and Legislation*.

tion (Mineola, New York: Dover Publications), 2007 [1823], 179.

¹⁰ Hegel, *Elements of the Philosophy of Right* (Cambridge: Cambridge University Press, 1991), 125-126.

¹¹ Kant, *The Metaphysical Elements of Justice*, 155, reprinted as "The Right to Punish," in *Punishment and Rehabilitation*, edited by Jeffrie Murphy, second edition (Belmont, California: Wadsworth Publishing, 1985), 21. Later in the same text, Kant appears to challenge the putatively categorical character of his own approach to justice and punishment: "All murderers, whether they have themselves done the deed, ordered it to be done, or acted as accomplices, must suffer the death penalty. This is what justice, as the idea of judicial power, wills in accordance with universal laws of a priori origin. But the number of accomplices in such a deed might be so great that the state, in order to rid itself of such criminals, would soon reach the stage of having no more subjects, and yet it would not wish to dissolve itself and revert to the state of nature... And above all, the state will not wish to blunt the people's feelings by a spectacle of mass slaughter. The sovereign must therefore have the power to act as judge himself in such an emergency, and to pass a sentence which imposes a penalty other than death on the criminals so that the community of people may be preserved." Ibid., 157.

¹² Taylor, *The Executed God: The Way of the Cross in Lockdown America* (Minneapolis: Fortress Paper, 2001), 21.

¹³ Ibid., 9.

¹⁴ Ibid., 25.

¹⁵ Foucault, *Discipline and Punish: The Birth of the Prison*, translated by Alan Sheridan (New York: Vintage Books, 1995), 180.

¹⁶ Ibid. 183 (original emphasis).

¹⁷ The literature is extensive; for a variety of perspectives, see *Critical Issues in Restorative Justice*, edited by Howard Zehr and Barb Toews. Monsey, New York: Criminal Justice Press, 2004; Heather Strang, *Repair or Revenge: Victims and Restorative Justice*. Oxford: Clarendon Press, 2002; Howard Zehr, *Changing Lenses: A New Focus for Crime and Justice*. Scottsdale, PA: Herald Press, 1990; Ruth Ann Srickland, *Restorative Justice*. Studies in Crime and Punishment, Volume 5. New York: Peter Lang, 2004; and *Restorative Justice and Criminal Justice: Competing or Reconcilable Paradigms?* Edited by Andrew von Hirsch, Julian Roberts, Anthony Bottoms, Kent Roach and Mara Schiff. Oxford: Hart Publishing, 2003.

¹⁸ Paul Tillich, *Love, Power, and Justice: Ontological Analysis and Ethical Implications* (Oxford: Oxford University Press, 1954), 15. See also 82.

¹⁹ Ibid., 27.

²⁰ Ibid., 47.

²¹ Ibid., 46-47.

²² Ibid., 60.

²³ Langdon Gilkey, *Gilkey on Tillich* (New York: Crossroad, 1990), 5.

²⁴ Tillich, *Systematic Theology*, volume 1: Reason and Revelation, Being and God (Chicago: The University of Chicago Press, 1951), 95.

²⁵ Tillich, *Love, Power, and Justice*, 66.

²⁶ Ibid., 66.

²⁷ Ibid., 84-86.

²⁸ John de Gruchy grounds his theory of restorative justice in covenant: "Thus restorative justice has to do with renewing God's covenant and therefore the establishing of just power relations without which reconciliation remains elusive." De Gruchy, *Reconciliation: Restoring Justice* (Minneapolis: Fortress Press, 2002), 204.

²⁹ Ibid., 65.

³⁰ Ibid., 67.

³¹ Ibid., 69.

³² See, for example, Shriver, "Truth Commissions and Judicial Trials: Complementary or Antagonistic Servants of Public Service?" *The Journal of Law and Religion* XVI:1 (2001): 1-34, especially 17-19.

³³ In discussing Kantian rational criticism, Tillich contends that such criticism "is abstract and condemned to be merely a subject for academic debate; at the most it can only obstruct concrete criticism." Tillich, "Protestantism as a Critical and Creative Principle." *Political Expectation* (New York: Harper and Row, 1971), 19.

³⁴ See, for example, Timothy Gorringer, *God's Just Vengeance: Crime, Violence and the Rhetoric of Salvation*. Cambridge Studies in Ideology and Religion 9. Cambridge: Cambridge University Press, 1996.

³⁵ Ibid., 12.

³⁶ Tillich, *Morality and Beyond*, foreword by William Schweiker (Louisville: Westminster John Knox Press, 1963), 62 (original emphasis).

³⁷ See, for example, "Pilgrimage to Nonviolence," in *A Testament of Hope*, 37, and "The Ethical Demand for Integration," Ibid., 120.

³⁸ See, for example, "Letter from Birmingham City Jail," in Ibid., 293-294.

³⁹ See, for example, "Where Do We Go From Here?," in Ibid., 247.

⁴⁰ See, for example, *The Strength to Love*, in Ibid., 512.

⁴¹ King, "A Christmas Sermon on Peace," in *A Testament of Hope*, 257.

⁴² See, among numerous examples, King, "The Power of Nonviolence," (June 4, 1957 address), in *A Testament of Hope*, 13; "An Experiment in Love," in *Ibid.*, 19; "Love, Law, and Civil Disobedience," (November 16, 1961 address), in *Ibid.*, 46; "Facing the Challenge of a New Age," (December, 1956 address), in *Ibid.*, 140; "A Christmas Sermon on Peace," (December 24, 1967), in *Ibid.*, 256)

⁴³ King, "An Experiment in Love," in *A Testament of Hope*, 20.

⁴⁴ *Ibid.*, *Hope*, 18. See also, "The Current Crisis in Race Relations," in *Ibid.*, 87.

⁴⁵ For proposals on reintegrative shaming as an effective form of restorative justice, see John Braithwaite, *Crime, Shame, and Reintegration*. Cambridge: Cambridge University Press, 1989.

⁴⁶ King, "The Ethical Demands of Integration," in *Ibid.*, 119.

⁴⁷ Marshall, *Beyond Retribution: A New Testament Vision for Justice, Crime, and Punishment* (Grand Rapids, MI: William B. Eerdmans, 2001), 26.

⁴⁸ King, "The Ethical Demands of Integration," in *Ibid.*, 125.

⁴⁹ King, "Letter from Birmingham City Jail," in *Ibid.*, 295.

⁵⁰ *Ibid.*, 295.

⁵¹ Volf, *Exclusion and Embrace: A Theological Exploration of Identity, Otherness, and Reconciliation* (Nashville: Abingdon Press, 1996), 77.

⁵² De Gruchy, *Reconciliation: Restoring Justice*, 190.

⁵³ Tillich, *The Courage to Be*, second Edition with an Introduction by Peter Gomes (New Haven: Yale University Press, 2000 [1952]), 73.

⁵⁴ *Ibid.*, 75.

⁵⁵ Tillich, *Morality and Beyond*, 43.

⁵⁶ This normative ground challenges the claims of thinkers such as Andrew Skotnicki, who holds some restorative justice proponents believe "justice is restored on procedural and empirical grounds, not normative ones." Skotnicki, "How is Justice Restored?" *Studies in Christian Ethics* 19:2 (2006): 191.

⁵⁷ See, for example, Augustine, *City of God*: "In view of this darkness that attends the life of human society, will our wise man take his seat on the judge's bench, or will he not have the heart to do so? Obviously, he will sit; for the claims of human society constrain him and draw him to this duty; and it is unthinkable to him that he should shirk it." Augustine, *City of God*. A New Translation by

Henry Bettenson (New York: Penguin Books, 1984), Book XIX, Chapter 6, 860.

⁵⁸ Tillich, "Shadow and Substance: A Theory of Power," in *Political Expectation*, introduction by James L. Adams (New York: Harper and Row, 1971), 120-121.

⁵⁹ *Ibid.*, 121.

⁶⁰ Andrew Skotnicki, "How is Justice Restored?," 190.

⁶¹ Tillich, "Shadow and Substance," 123.

⁶² *Ibid.*, 124.

⁶³ King, "Pilgrimage to Nonviolence," in *A Testament of Hope*, 37.

⁶⁴ See, for example, Annalise Acorn, *Compulsory Compassion: A Critique of Restorative Justice*. Vancouver: UBC Press, 2004. Acorn identifies three strands of restorative justice optimism, including optimism about justice and equality, transformation and restoration, and healing to victim (46-77). Skotnicki articulates a similar critique: "In short, I believe that restorative accounts of justice cannot bridge the gap [between coercion and correction] due to a hesitance to embrace an account of the moral life sufficiently coherent to provide meaning to the compulsory nature of penal systems, no matter how innocent they portray themselves to be." Skotnicki, "How is Justice Restored?," 200.

⁶⁵ Ramsey, *Basic Christian Ethics*. Library of Theological Ethics. Louisville: Westminster John Knox Press, 1993 [1950], 14

⁶⁶ Among numerous examples, see *Post-Conflict Justice*, edited by M. Cherif Bassiouni. New York: Transnational Inc., 2002; *Telling The Truths: Truth Telling and Peace Building in Post-Conflict Societies*, edited by Tristan Anne Borer. South Bend: University of Notre Dame Press, 2006; Caroline Hartzell and Matthew Hoddie, *Crafting Peace*. University Park, PA: The Pennsylvania State University Press, 2007; and Rama Mani, *Beyond Retribution: Seeking Justice in the Shadows of War*. New York: Polity Press, 2002.

⁶⁷ Volf, *Exclusion and Embrace*, 29.

⁶⁸ *Ibid.*, 85.

⁶⁹ Volf, "Forgiveness, Reconciliation, and Justice: A Christian Contribution to a More Peaceful Social Environment," in *Forgiveness and Reconciliation: Religion, Public Policy, and Conflict Transformation*, edited by Raymond Helmick, SJ, and Rodney Petersen, Philadelphia: Templeton Foundation Press, 2000, 42-43.

⁷⁰ *Ibid.*, 45.

